

1859-008 Chancery Causes: Josephus Grabeel vs. Anthony Johnson &  
Lee Co.

Wells, Phillips, Kirk, Ely, Caywood, Johnston, Jackson

CA - Contract Dispute  
T - Property



To the Worshipfull County Court of Lee  
County in Chancery sitting

Josephus Grubbs of the said County Respect-  
fully represents that On the day of 18  
and William Ely then of the said County was  
seized in fee simple of a certain tract or parcel  
of land lying and being in the said County of Lee  
and bounded on the north and east by the lands  
of Jacob Grubbs and on the south and west by the  
lands of John Sims and supposed to contain  
about thirty three acres and that the said William  
departed this life on the day of 18 without  
having disposed of the said lands and that he left  
the following persons who are his only heirs (viz)  
William Ely jr John Ely Anthony Ely Sarah Johnson  
who was Sarah Ely and Miss formerly Jane Ely  
Elizabeth Jackson formerly Elizabeth Ely and Polly  
Caywood formerly Polly Caywood, Your Orator states  
that the husbands of Polly Caywood <sup>Ely</sup> and Caywood  
Sarah Johnston. — Johnston and Jane <sup>Miss</sup> Wiles  
— Wiles are dead and that the said <sup>Miss</sup> Wiles and William  
Ely jr and Sarah Johnson are dead, and that the said  
William Ely jr removed before his death from this  
State and left no heirs that are known to your  
Orator and that Sarah Johnson left the following  
children who are her heirs (viz) John Phillips Anthony  
Johnston James Johnston and — Kirk and Elizabeth  
Kirk formerly Elizabeth Johnston who are also now residents  
of this Commonwealth, Your Orator states that he  
has bought the interest of the following persons in the  
said land (viz) Elizabeth Jackson Polly Caywood John  
Ely and Anthony Ely and that he has their deeds of convey-  
ance (of the said land) now on record in the Clerk's office of the  
County Court of this said County.



Your Orator also further states that from the  
size of the tracts or parcels of land and the main  
road leading from Jonesville to Cumberland Gap  
passing through it and the particular locality of  
the said lands, and the number of persons that  
has an interest in said lands, that to divide  
it among those entitled would make it wholly  
valueless.

The prayer therefore of Your Orator is that  
James Wells John Phillips Anthony Johnson James Johnson  
and Elizabeth Kirk and the unknown heirs of William  
Ely jr be made parties defendants to this bill and that  
they be required to make true and perfect answer thereto  
as fully as the same was again asked and they specially  
interrogated thereto, and that upon a final hearing of this  
Case Your Worship will make a decree requiring the  
said lands to be sold and the proceeds thereof divided between  
those entitled according to the law of this Commonwealth  
and that Your Worship will intend to Your Orator  
such other and further relief as the nature of his case  
may require, and as the defendants are non residents  
of this Commonwealth may an order of publication  
be made to them, and in duty bound he will ever pray &c  
Ely for Comptt



Josephus Grabet

vs { Bico Chy

Antony Johnson & Others

1857 Oct. Bill filed  
and order publication

Sept. 20<sup>th</sup> 1858. Comm. Report, Conf.

Oct. Conf. & Nov. Conf. Dec. Conf.

1857 Jan. Books continued,

Feb. & March, continued

" April continued,

" May - June, July, Aug & Sept  
continued.

" October - Decree

@ 646  
@ 500

\$ 750  
Printer 250  
1496



Josephus Grable

against

Anthony Johnston and others

} decree

This day this Court came on again to be heard, and it appearing to the Court by the report of John H. Allen the Commissioner sent for appointed in this case that the land described in said bill sold for the sum of six hundred and one dollar payable on the 17 day of August 1859 and that said sum is now due and unpaid. It is ordered adjudged and decreed that the said John H. Allen after having given a bond with good security in the sum of twelve hundred dollars to perform this decree, do proceed immediately to collect said sum of money with its interest, and ~~pay the same to those entitled~~ make distribution of the same to the persons entitled according to their respective interest, and that the cost of this suit be paid by the persons entitled to an interest in said land in proportion to their respective rights.



Josephus Grabiner

vs } decem

A Johnston B. M. M.

1859 Oct, Term 409-10

113

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2.15

6.50

300

5

15.00

7.52

22.52 1/2 com

14.96 com

37.51 1/2

601- aug 5/59

5

601 per

37.58

563.42

6.50 com

570.92

71356.92

\$79.56

cm



Josephus Grabel  
against  
Anthony Johnston and others }

Pursuant to a decree of the County  
Court of Lee County Va<sup>at</sup> at its June Term in the  
year 1858 in the above Case appointing the undersigned  
a Commissioner to sell the land in the bill mentioned  
after giving thirty days notice of the time place and  
terms of sale and to make to the purchaser a deed  
of conveyance of said land. I would respectfully state  
that I have in pursuance of said decree advertised  
said land more than thirty days and as the decree  
directed sold said land at public sale Cry before the  
Court House door in Lee County Virginia on the  
day of August the said being a Court day and that  
Josephus Grabel was the purchaser at six hundred  
and one dollars the said being the highest bid pro-  
vid for said land and that the said Josephus Grabel  
gave his bond to me for the payment of the same with  
Jacob Grabel as his surety and that on the 14<sup>th</sup> day  
of Sept<sup>r</sup> 1858 I made the said Josephus Grabel  
a deed of conveyance of said land as required by  
said decree and of which is Respectfully submitted  
John H Allen

Josephus Grabel  
against  
Anthony Johnston & others

This day this Cause came on to be heard upon  
the report of the Commissioner & the papers formerly read  
in said Cause and the Court doth order adjudge and  
decree that the report of the Court be confirmed and  
this Cause is continued until a future term of this Court



Josephus Grabul

vs 3 Deuce

Anthony Johnston

Order Book 2.04

Sept 1858

no 2

57



Josephus Gracie

against

Anthony Johnson & others

Deceit

This day this Cause came on to be heard upon the bill of the Complainant being filed and it appearing to the Court by the Return of the Sheriff of this County that the Defendants who reside within this Commonwealth have been legally and regularly summoned and notified of the pendency of this suit, and they having failed to appear and plead answer or demurr to said bill, the Court doth order adjudged and decreed that the bill of the Complainant be taken as confessed as to them. And it also appearing to the Court by satisfactory evidence that the Defendants who reside out of this Commonwealth have been legally and regularly notified of the pendency of this suit as they by a legal publication and notice to them for more than 24 months previous to this term of their law decrees, and they having failed to appear and plead answer or demurr to said bill the Court doth order adjudged and decreed that the bill of the Complainant be taken as confessed as to them. And the Court doth further order adjudged and decreed that the said land in the bill mentioned be sold at public sale by the Court house door of this County on a credit of 12 months after having given thirty days notice of the time and place and terms of sale and that John H. Allen as Sheriff of this County be appointed a special Commissioner to make sale of said land, and to make to the purchaser a deed of conveyance of said land with a lien thereon for the purchase money and that he take from the purchaser a bond with good security for the purchase money of said land payable to himself as Sheriff and Commissioner as aforesaid. And that he make report to a future term of this Court of his sale and conveyance and security until which time this Cause is continued.



Josephus Gracill

vs { Decid  
}

Anthony Johnson & others

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Know all Men by These presents That we John H Allen and  
James T Loyd are held and firmly bound unto Josephus Grabill  
and the heirs and legal representatives of William Ely deceased in  
the sum of Twelve hundred dollars for value received Witness  
our hands and seals this 17<sup>th</sup> day of October 1855

The Condition of the above Obligation is such That whereas  
Josephus Grabill did on the 17<sup>th</sup> day of October 1855 obtain  
a decree in the County Court of Sed County Virginia against  
Anthony Johnson and others for the Collection and distribution  
of the Money that had in said Grabill's late inventory sold for  
~~and to have said Money distributed among the parties entitled~~  
of the parties entitled and whereas the said Allen has been  
appointed a Commissioner by said decree to collect said  
Money and distribute it among the parties entitled  
Now if the said Allen shall well and truly perform said  
decree then this bond to be void otherwise to remain in  
full force

John H Allen (Seal)  
James T Loyd (Seal)



Bond

100000



**VIRGINIA.**---At Rules held in the Clerk's office of the County court of Lee, on Monday, the 2d day of November, 1857,  
Josephus Grabeel,

Complt.

against  
Anthony Johnson and others,  
*In Chancery.*

Defts.

The object of this suit is to obtain a decree of the court for the sale of the land in the bill mentioned, and the proceeds of said sale to be divided between the parties interested; and it appearing by satisfactory evidence that James Wells, John Phillips, Anthony Johnson, James Johnson, Elizabeth Kirk, and the unknown heirs of William Ely, Jr., deceased, are not inhabitants of this commonwealth; it is ordered that the said defendants do appear here within one month after due publication of this order, and answer the bill of the complainant, or do what is necessary to protect their interest; and that a copy of this order be forthwith inserted in some newspaper published in this commonwealth for four successive weeks, and posted at the front door of the courthouse of Lee county.

March 13--4w.

A copy--Teste,  
J. W. S. MORISON, c. c.

Abingdon. May 7. 1838.

This is to certify that the Order of Publication, a copy of which is annexed, was printed in the Abingdon Democrat, once a week for four successive weeks.

A. M. & A. A. Baker,

Eds Democrat.

Pro. fee \$2.50

The above has been also sent to Mr. J. W. S. Morison some 3 or 4 weeks since, but at your request we send another.

A. M. & A. A. B.



Order Publication